

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
)
v.) **Case No. 09-CR-043-SPF**
)
)
LINDSEY KENT SPRINGER,)
OSCAR AMOS STILLEY,)
)
)
Defendants.)

**UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION
FOR RELEASE AND STAY OF JUDGMENT PENDING RULING ON
MOTION FOR WRIT OF CORAM NOBIS AND APPEAL (DOC. 416)**

The United States of America, by and through its attorneys, Thomas Scott Woodward, United States Attorney for the Northern District of Oklahoma, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Defendant's Motion for Release and Stay of Judgment Pending Ruling on Motion for Writ of Coram Nobis and Appeal. As indicated in the United States' previous filing (doc. no. 411), this Court should dismiss Defendant's motion for want of jurisdiction. Defendant timely appealed his judgment and sentence to the Tenth Circuit Court of Appeals, and is represented on appeal by Jerold W. Barringer, Esq. See doc. no. 340.

Defendant's most recent gambit to evade responsibility for his criminal conduct is the assertion that he did not knowingly and voluntary waive counsel. This assertion is simply false. Contrary to Defendant's most recent claim, Defendant was warned of the dangers of *pro se* representation, both by the Honorable Magistrate Judge Paul J. Cleary at the hearing

regarding representation held on March 30, 2009 (doc. no. 23), and by the Honorable District Judge Stephen P. Friot at the motions hearing held April 22, 2009 (doc. no. 43, transcript doc. no. 114, pp. 4 - 26). As documented in the transcript of the April 22 motions hearing, the trial judge conducted a thorough and comprehensive formal inquiry of Defendant on the record to ensure Defendant was aware of the nature of the charges, the range of allowable punishments and possible defenses, and was fully informed of the risks of proceeding *pro se*. *See United States v. Willie*, 941 F.2d 1384, 1388 (10th Cir. 1991), *cert. denied*, 502 U.S. 1106 (1992). The record establishes Defendant had a sense of the magnitude of the undertaking and the inherent hazards of self-representation at the time of his decision to proceed *pro se*. *See United States v. Padilla*, 819 F.2d 952, 956 (10th Cir. 1987). Thus, Defendant's decision to proceed *pro se* was voluntarily.

For the foregoing reasons, the United States requests that the Court dismiss Defendant's motion (doc. no. 416) for want of jurisdiction. Should the Court determine it retains jurisdiction, the United States requests the Court deny Defendant's motion.

Respectfully submitted,

THOMAS SCOTT WOODWARD
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly
CHARLES A. O'REILLY, CBA NO. 160980
Special Assistant United States
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August 2010, I served the foregoing document by United States Postal Mail, and electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing, to the following ECF registrants:

Jerold W. Barringer, Esq.
Attorney for Defendant Springer
P.O. Box 213
Nokomis, IL 62075

Lindsey Kent Springer
Defendant
FCI Big Spring
Federal Correctional Institution
1900 Simler Ave
Big Spring, TX 79720
Inmate Number 02580-063

Oscar Amos Stilley
Defendant
FCI Forrest City Low
Federal Correctional Institution
P.O. Box 9000
Forrest City, AR 72336
Inmate Number: 10579-062.

/s Charles A. O'Reilly
Charles A. O'Reilly
Special Assistant United States Attorney